

Provo Ponders Injunction Against BOR

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10 July 1984

When the Utah State Engineer's office rules in favor of the Bureau of Reclamation's proposed Jordanelle Dam above Heber City, Provo should "slap an injunction against them," Wayne Hillier, director of the Provo Metropolitan Water Board, told board members Tuesday.

Hillier said a protest and addendum numbering more than 80 pages was filed June 17 with the State Engineer's office, detailing Provo's reasons for opposing the project.

"We put in everything we could think of," Hillier said. "Anything I can do to protect our water rights I'm going to do."

The protest included objections to the BOR taking over vested water rights, as well as the impact of such things as diking the Provo Bay which will ruin nesting habitats and could change the temperature on the south side of the lake by one to two degrees and possibly ruin fruit crops during the spring freezes.

The Jordanelle project proposes to store 300,000 acre-feet of water from the Provo River for use by Salt Lake County and other areas. Provo contends the BOR has no right to use the water and that Provo should be allowed to sell it.

"They (BOR) say they won't use Provo's water and they won't because it won't be Provo's water when they take it away," Hillier said. Keeping that from happening could start numerous court battles.

"We all know it's going to be

litigated. There's just no other way," Mayor James E. Ferguson, a board member, said.

Hillier said attorney for the board, Jackson Howard, has suggested the city consider an injunction when the expected pro-BOR ruling comes from the engineer's office. Although a full quorum of board members was not present Tuesday, the general consensus was in favor of the idea.

Such an injunction, followed by lawsuits, would tie up the Jordanelle issue for many years and Hillier said Paul Gillette, assistant director of Water Resources, said such moves would kill the project.

"We're not going to kill it. They are," Hillier said. "We're going to do anything we can to protect our water rights."

Provo City and Salt Lake City are continuing efforts to put together a seven-member committee to study the water issues. Provo has selected two of the three members that will represent it: Chuck Henson, Provo City council chairman, and Harold Anderson, former member of Provo City planning commission. A third Provo representative is yet to be chosen.

Hillier said his last communication with Salt Lake indicated no one had been selected for its three seats on the committee. A chairman will be selected jointly by Mayors Ferguson and Ted Wilson of Salt Lake City.

The idea of putting the committee together is a month old, Hillier said, and "It's taking an unduly long time to set this thing up."